

# JUMP CUT

A REVIEW OF CONTEMPORARY MEDIA

## The last word Torture and the national imagination

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We began writing a short editorial for *Jump Cut* no. 50 intending to discuss a new series of documentaries about torture in the U.S. war in Afghanistan, Iraq, and Guantánamo. But as it developed, the issues of torture commanded more attention and research, and the connections with current film culture became more complex. As a result the short editorial began to take on a life of its own and become longer and denser in analysis. We decided to publish this introduction as an editorial, and to develop a longer article for publication in the next issue.

As the United States moves to the November 2008 Presidential elections, other issues are clearly taking the lead: the slow national domestic economy; the increasing housing crisis; the high cost of transportation, energy, healthcare, and food; the ongoing wars in Iraq and Afghanistan, and so forth. In that frame, torture is not a front burner issue. But, we would argue, it is also deeply present in U.S. life and also deeply repressed. America is in denial about torture. First, it is a troubling topic. Deaths in combat are an uncomfortable topic, but understandable. Soldiers become casualties and kill others — combatants and civilians.

But torture in custody always involves premeditation and planning. It is hard to talk about, to recognize, to face up to. The examples that come forward, such as the Abu Ghraib photos, or reports that the United States took children as hostages and terrorized them to get information about the whereabouts of their father, are disturbing. As the election season narrows the range of topics in public discussion and concentrates attention on individual candidates rather than offer any systematic analysis, torture can appear to disappear as an issue. But we would argue that issue is really present but repressed. The trace of denial can be seen in media representations, and covers not only documentaries, but also dramatic feature films about the war, and entertainment films and TV shows that touch on the subject.

Torture is part of the contemporary national imagination. In summer 2007 U.S. Supreme Court Justice Antonin Scalia, at a Canadian meeting of international jurists, indicated he was a big fan of the TV drama 24.

"'Jack Bauer saved Los Angeles. ... He saved hundreds of thousands of lives,' Judge Scalia said. Then, recalling Season 2, where the agent's rough interrogation tactics saved California from a terrorist nuke, the Supreme Court judge etched a line in the sand. 'Are you going to convict Jack Bauer?' Judge Scalia challenged his fellow judges. 'Say that criminal law is against him? 'You have the right to a jury trial?' Is any jury going to convict Jack Bauer? I don't think so. ...'"

"During a break from the panel, Judge Scalia specifically mentioned the segment in Season 2 ... 'There's a great scene where he told a guy that he was going to have his family killed,' Judge Scalia said. 'They had it on closed circuit television - and it was all staged. ... They really didn't kill the family.'"[1][[open endnotes in new window](#)]

Following the 9/11 attack, the war in Afghanistan, and the subsequent capture of Al-Qaeda suspects (and more, later in Iraq), the White House National Security Council's Principals Committee met regularly to advise President Bush on the prisoners (euphemistically called in Bushspeak "detainees," as if they were just being politely asked to wait a little while until another flight). Chaired by then National Security Advisor Condoleezza Rice, the group included Vice President Dick Cheney, Defense Secretary Donald Rumsfeld, Secretary of State Colin Powell, CIA director George Tenet, and Attorney General John Ashcroft, or their principal deputies. They discussed and approved specific details of how Al-Qaeda prisoners would be interrogated. They approved combining techniques including slapping, pushing, sleep deprivation, stress positions, loud music, and waterboarding.

"The high-level discussions about these 'enhanced interrogation techniques' were so detailed, these sources said, some of the interrogation sessions were almost choreographed—down to the number of times CIA agents could use a specific tactic."[2]

Further reports indicated that CIA agents came in and demonstrated the techniques so the principals could be clear about what they were.[3] This White House performance art, a torture by proxy, reveals a lot about the psychology of the President's top advisors. Even if you haven't read Freud's essay, "A Child is Being Beaten," which describes the psychology, the mix of fear and fascination, that grips a child who knows another kid, out of sight, is being spanked, you can sense what is going on. Under the excuse, the alibi, the guise of careful procedural administration, this group is on a power trip, vicariously participating in the torture of another human being, getting back for the humiliation of the 9/11 events.

The argument that the US is "soft" due to the institutions of democracy is a

commonplace idea among neocons and fundamentalist evangelicals. Therefore by acting tough, by asserting (unilateral) power on the world stage or in a specific confrontation with a “terrorist” one overthrows this softness. Significantly then, almost all of major players in the White House Iraq policy and torture rehearsal meetings were people without military service, people who would be the most likely to feel the need to assert their “hardness,” to prove their masculinity (or to appear sufficiently masculine to get to play with the boys) rather than just assuming it as part of their personal attributes, experience, and history.

In the popular imagination, in the administration’s official justification for it, using torture is a “lesser evil” or lesser danger. The end (national security; to save the United States) justifies the means (using torture). Of course the common response to this argument is that in using those means you have corrupted yourself and compromised the end.

In the classic case, it is phrased as: if there is a ticking bomb that could kill many people and one captured person knows where it is, it is justified to torture that individual for information in order to save the multitude. There are some precise problems with the ticking bomb thesis. First of all, it has never happened in the real world, nor does it seem likely to happen. But it is a very common dramatic narrative device in fiction. For example the Internet Movie Database lists over 4,650 film titles that use the narrative trope of “race against the clock.” This large number includes films such as *Run Lola Run*, and also bomb-specific ones such as *Face/Off* (John Woo, 1997). The trope provides a clear narrative arc into which dramatic delays and set backs function to increase suspense and anticipation. So the “ticking bomb” type of plot remains active in the popular imagination, even though it is not realistic in a police or military policy sense.

How efficient is torture as a policy and practice? It has at least four functions:

- 1) to gain information,
- 2) to obtain a confession of guilt,
- 3) to function as punishment for the victim, and
- 4) to gratify the torturer.

It does work to extract confessions of guilt, since eventually the victim will usually confess anything to make the pain stop. We could call this the Spanish Inquisition model after one of the most famous torture regimes. But we also know that some US police departments have used (or tolerated) torture to attain confessions.

Some facts of torture can be established as incontrovertibly true:

1. Who tortures? Basic social psychological research, notably by Dr. Stanley Milgram in the 1960s, concluded that about 70% of ordinary people would torture (administer high levels of pain to a complaining subject) if directed by persons they don’t know who seem to have legitimate authority. Milgram concluded that it would probably be much higher if the authority of the

government sanctioned it. Thus it is the exceptional person who refuses to torture, especially under the conditions of military organization.

In 1971 the Stanford prison experiments studied the psychological results of incarceration on both guards and prisoners. The ethically controversial group event was ended when the role-playing subjects quickly exceeded expected behaviors in the mock prison. Many “guards” became actively sadistic; many “prisoners” were traumatized. The results have been used to argue that situation rather than pre-existing disposition shapes behavior. The lead researcher, Phillip Zimbardo, in response to the Abu Ghraib events argued against the “few bad apples” characterization of what happened.

2. It’s simply not true for the United States that “we don’t torture.” The United States has a long history of using torture against some enemy combatants and force, including torture and murder, against civilian populations in a war zone. The history of Native Americans, U.S. intervention and occupation in Central America and the Caribbean, and the colonization of the Philippines provide many examples. Indeed, waterboarding was first developed as a standard interrogation technique against the Philippines resistance to U.S. colonization. [4] In addition, the United States has offered substantial support to regimes and movements that did and do routinely practice torture. The U.S. military School of the Americas brought Latin American military officers to the U.S. for advanced training that included torture techniques. In fact, with the CIA rendition program, the United States outsources torture to other governments.

3. Techniques endorsed by the Bush administration and commonly used which they claim are not torture, are in fact, torture. Sensory deprivation, reducing sound, sight, feeling (gloves) and sleep deprivation leads to a loss of personal control of self for the individual subjected to it. These techniques leave no identifiable scars or evidence of having been used. Another technique, forced standing, leads to physical breakdown including ulcers on legs, kidney failure, etc. All of these are torture, as commonly defined. In the extraordinarily narrow legal definition developed by the administration, it is not torture if it doesn’t cause organ failure. The key thing here is that the administration separated out each of the individual techniques or elements of torture, stressing those that left no physical evidence, including waterboarding, and then said that no one of them constituted torture. However, the techniques were choreographed, that is, used in concert, simultaneously, and serially, which behavioral and medical experiments prove to be vastly potentiating. That is, they are torture.

4. As it developed in prisons like Bagram in Afghanistan, Abu Ghraib in Iraq, and Guantanamo on the island of Cuba, the actual practice of interrogation was two-staged. First there was a physical and psychological “roughing up” which was intended to “prepare” the prisoners to be ready to talk. Then, a second stage of traditional interrogation began. For the most part, as at Abu Graib, the military guards were routinely assigned to the first stage, and then the interrogators took over. So behind the infamous photos from Abu Ghraib lies the fact that those (often untrained) MPs arrived at a prison with a systematic regime already in place.

5. Torture is not a useful method for intelligence gathering. Experienced interrogators such as senior FBI agents, military investigation services such as the Navy Criminal Investigation Service, and other intelligence operations such as the Defense Intelligence Agency overwhelmingly conclude that it doesn't work. The preferred practice for interrogators is to establish a relation with the prisoner, pointing out that the detained have no good options, and that if they cooperate by providing information the questioner can help them: protecting and providing for their family, giving them better prison conditions, etc. During WW2 the German Gestapo quickly found that "revenge" and "collective punishment" for underground resistance activity to military occupation was immensely counterproductive. They found that simply offering rewards produced informants. But using collective punishment and targeted torture immediately functions to shut down local sources of information. This finding is upheld as well by the large database on intelligence and interrogation from the Vietnam War.

The most obvious question is if it is known rationally, historically, scientifically, and in the embodied experience of successful professional interrogators that torture is ineffective, why would it become policy and practice? Why would you have the smartest people in the Bush administration sitting around dress rehearsing specific tortures to be used on specific prisoners? The answer can't be that it gets meaningful results. Rather, we have to look at what torture has been demonstrated to do. First, it is effective at intimidation: of the specific prisoner, and of their community. And it has the downside of closing down communication or cooperation with the occupied population. Second, it is effective as punishment. It makes the victim pay a price for whatever was done. But of course this is rough justice, nonjudicial punishment, pain inflicted not after the social/political formality of a trial and as an affirmation of reasoned state interests and power, but just as revenge, meted out by the will of the powerful against the helpless, the hapless, and — without a prior determination of guilt or innocence — against some who are innocent.

So why the Principals Group virtual torture meetings? For the interrogator/torturer, for the Grand Inquisitor, and significantly for the person ordering the torture, it makes them feel they are in control: "torture makes the man." They can impose their power on the prisoner. The initial goal is psychological and coercive — to reduce the prisoner's sense of control. But it quickly becomes "I have power and none of you have power." The very mechanism of torture says to the prisoner that he has no control and to the torturer that they have all the power. It is, then, achieving this psychological state that is important.

It has been well established that the Bush administration failed in not paying attention to intelligence warnings before 9/11. Bush, Rice, and Cheney ignored an August report to the President that Osama bin Laden was preparing for an attack in the US. Traditionally gathered CIA intelligence warned of an impending major event. Local FBI investigations that stumbled upon warning signs were ignored higher up. This information was generated in traditional (non-torture) ways. But the 9/11 events demonstrated for the world that the Administration



was not in control, was not all-powerful, was not the protector. In response the psychology of establishing and asserting control, the separate need to look omnipotent again, took precedence over most effectively meeting the goals. But in addition to asserting control, the classic, centuries-old, military command model begins with the commander and his staff taking responsibility for a mistake, and then aggressively correcting it. After 9/11 rather than an honest “we blew it,” the President and his administration denied that the advance warnings were meaningful and ignored. They did not assess what went wrong, how mistakes were made, and then corrected them so it wouldn’t happen again. They hunkered down and lived in denial of what their responsibility had been. But they still wanted/needed to make up for the humiliation they faced.

Thus what was officially denounced as “torture” in the 50s and something that only barbaric totalitarian regimes would employ became legal and Standard Operating Procedure according to the President and his advisors in the post 9/11 world. After Abu Ghraib, even though U.S. military regulations have gone back to previous definitions of what are acceptable interrogation procedures for prisoners, the CIA has been excepted from such rules, and private contractors who conduct interrogations apparently are free to do whatever they want or think they can get away with. Such exceptionalism is written into the law, with the President defining his power as Commander in Chief as giving him suprallegal authority over surveillance, imprisonment, and interrogation. The professional military needs to hold to the standards for prisoners of war set out in the Geneva Conventions and inscribed in the Army’s field manual, understanding that these standards protect U.S. personnel captured in combat. When the Administration chose to claim these international standards were obsolete, they created the basis for any and all future enemies likewise to discard those standards.

Working parallel to the standardization of torture techniques on site, the White House had Justice Department lawyers prepare casuistic arguments that what had been recognized as torture was really not torture at all. Key was separating every single item and saying that since it alone did not cause organ failure resulting in death, it was not torture. (A similar argument had been made at the first Rodney King trial. Defense attorneys for the police accused of beating the motorist showed the videotape in slow motion to claim that each individual blow was insignificant. The jury agreed and in the face of explicit documentation, exonerated the cops.) But again and again, when taken to the now archconservative Supreme Court and to lower courts and to military tribunals, the administration and its prosecutors have lost and been reversed. This is a remarkably poor record for the Justice Department and special Rumsfeld-rigged Defense Department lawyers. And as the story has come out about the administration not hiring on merit but rather on party affiliation, on “loyalty,” on having been a College Young Republican, rather than a leading law school student, the whole thing has unraveled in terms of justification. What hasn’t become undone is the remaining damage to the lives of the prisoners. The scars of their torture, both overt and psychological scars, remain for them and their families. This is the shameful legacy.

# Notes

1. Andrew Sullivan, "Scalia and torture," [http://andrewsullivan.theatlantic.com/the\\_daily\\_dish/2007/06/scalia\\_and\\_tort.html](http://andrewsullivan.theatlantic.com/the_daily_dish/2007/06/scalia_and_tort.html) quoting from Colin Freeze, "What would Jack Bauer do?" *Globe and Mail*, June 16, 2007.
2. Jan Crawford Greenburg, Howard L. Rosenberg, and Ariane de Vogue, "Sources: Top Bush Advisors Approved 'Enhanced Interrogation,' ABC News, April 2, 2008. <http://abcnews.go.com/print?id=4583256>
3. The CIA was particularly concerned with protecting its agents from later prosecution if the matter came to light. Even after the then secret and now-notorious Bybee/Yoo "Golden Shield" memo of August 2002, authorizing extreme means, CIA interrogators continued to check back for step by step approval, which would seem to indicate they knew they were placing themselves in jeopardy for using torture.
4. Paul Kramer, "The Water Cure," *New Yorker*, Feb. 25, 2008. [www.newyorker.com/reporting/2008/02/25080225fa\\_fact\\_kramer?prntable=true](http://www.newyorker.com/reporting/2008/02/25080225fa_fact_kramer?prntable=true)

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